

E-filed 4/3/08

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CRYPTOGRAPHY RESEARCH, INC.,

Case No. C04-04143 JW (HRL)

Plaintiff,

v.

**ORDER ON MOTIONS TO FILE
DOCUMENTS UNDER SEAL**

VISA INTERNATIONAL SERVICE
ASSOCIATION,

Re: Docket Nos.
374, 385, 411, 415, and 431

Defendant.

Cryptography Research, Inc. ("CRI") sues Visa International Service Association ("Visa") for patent infringement, breach of contract, and misrepresentation. On December 21, 2007, Visa moved to compel production of certain discovery from CRI.

Pursuant to Local Rule 79-5 and 7-11, both parties and an interested third party moved to file under seal certain documents associated with that motion. The original sealing requests did not contain the proper supporting declarations. Accordingly, at the January 29, 2008 hearing on the motion to compel, the parties were ordered to file supplemental declarations. Based on the parties' responses, the court orders as follows:

Motion to File Under Seal: Docket No. 374

The following unredacted documents were submitted under seal by Defendant in conjunction with its Motion to Compel:

1. Visa's Notice of Motion and Motion to Compel Answers to Interrogatories, Production of Documents, and for Sanctions (Docket No. 372); and
2. Declaration of Eric B. Evans in Support of Visa's Notice of Motion and Motion to Compel (Docket No. 373).

The redacted versions of these two documents, as resubmitted in Visa's Supplemental Declaration (Docket No. 431) are now entered into the public record.

Good cause now having been shown, the motion as to Visa's Motion to Compel and Exhibits F, H, I, J, M-Z, AA-CC, and FF-HH to the Evans Declaration is GRANTED. The Clerk shall file the unredacted versions of those documents under seal.

Motion to File Under Seal: Docket No. 385

Plaintiff moved to have the unredacted versions of the following documents - submitted in conjunction with its Opposition to the Motion to Compel - filed under seal:

1. CRI's Opposition to Visa's Motion to Compel Answers to Interrogatories, Production of Documents, and for Sanctions (Docket No. 386);
2. Declaration of Ryan Tyz in Support of CRI's Opposition (Docket No. 387)
3. Declaration of Mullin in Support of CRI's Opposition (Docket No. 398); and
4. Declaration of Klauss in Support of CRI's Opposition (Docket No. 397).

Redacted versions of these documents were filed on the public record.

Good cause now having been shown, the motion as to CRI's Opposition brief, Exhibits 4, 5, 6, 7, 10-13, and 19 to the Tyz Declaration, and the Declarations of Mullin and Klauss is GRANTED. The Clerk shall file those documents under seal.

The confidentiality designation for Exhibits 8 and 9 to the Tyz Declaration was withdrawn; therefore, the motion as to these documents is DENIED. **CRI shall electronically resubmit these documents by April 18, 2008.**

1 With respect to Exhibits 20 and 21 to the Tyz Declaration, good cause has not been
2 shown and the motion is DENIED. **CRI shall also electronically resubmit these documents**
3 **by April 18, 2008.**

4 Finally, good cause was not shown to seal Exhibits 1-3 to the Tyz Declaration. The
5 motion, as it pertains to those documents, is DENIED. However, the joint request of the parties
6 to WITHDRAW the same from the record is GRANTED.

7
8 **Motion to File Under Seal: Docket No. 411**

9 The following documents were submitted under seal by Defendant in conjunction with
10 its Reply to the Motion to Compel:

- 11 1. Visa's Reply on its Motion to Compel (Docket No. 407); and
- 12 2. Declaration of Eric B. Evans in Support of Visa's Reply on Its Motion to
13 Compel (Docket No. 408).

14 The redacted versions of the Reply Brief and the supporting declaration, as resubmitted in
15 Visa's Supplemental Declaration (Docket No. 431) are now entered into the public record.

16 Good cause now having been shown, the motion as to Visa's Reply to the Motion to
17 Compel (Docket No. 407) and Exhibits B, C, E, H, and I to the Evans Declaration is
18 GRANTED. The Clerk shall file the unredacted versions of those documents under seal.

19 The confidentiality designation for Exhibit A to the Evans Declaration was withdrawn;
20 therefore, the motion on this document is DENIED. **Visa shall electronically resubmit the**
21 **document by April 18, 2008.**

22 With respect to Exhibit J to the Evans Declaration, good cause has not been shown and
23 the motion is DENIED. **Visa shall electronically resubmit this document by April 18, 2008.**

24 Finally, good cause was not shown to seal Exhibit K to the Evans Declaration. Thus, the
25 motion as to that document is DENIED. However, the joint request of the parties to
26 WITHDRAW the same from the record is GRANTED.

Motion to File Under Seal: Docket No. 415

The following document was initially submitted under seal by interested third party, Doe Corporation,¹ in connection with its opposition to Visa's Motion to Compel.

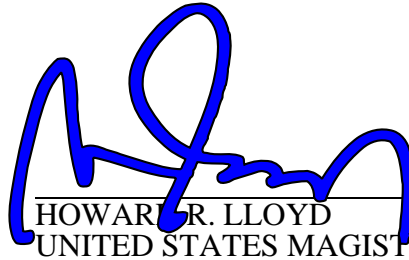
1. The unredacted version of [Doe Corporation]'s Opposition to the Motion to Compel (submitted to the court on 1/17/08)

A declaration by M. E. Mullin was filed in support of the motion to seal. Because good cause to seal has been shown, the motion is GRANTED.

However, these papers were not properly submitted to the court in accordance with Civil Local Rule 79-5. As such, **by April 18, 2008, the interested third party SHALL MANUALLY FILE the unredacted version and SHALL ELECTRONICALLY FILE the redacted version.**

IT IS SO ORDERED.

Dated: 4/3/08



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

¹ The third party licensee ("Doe Corporation") has satisfied the court that public disclosure of its name in this case would be detrimental to it. The parties are aware of this licensee's identity and do not object to this public redaction.

5:04-cv-4143 Notice has been electronically mailed to:

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